

IN RE: PETITION FOR ZONING VARIANCE  
SE/S Patuxent Road, 475' +/-  
W of the /1 Oliver Beach Road  
(13111 Patuxent Road)  
15th Election District  
5th Councilmanic District  
David W. Stoecker  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-429-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a building lot width of 50 feet in lieu of the required minimum of 55 feet, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 13111 Patuxent Road, consists of 10,000 sq.ft. zoned D.R. 5.5, and is located within the Chesapeake Bay Critical Areas. Testimony indicated that the property, also known as Lot 177, is an unimproved lot located within the Oliver Beach development which was laid out in 1948 with 50-foot wide lots. Mr. Stoecker testified he purchased the property in November 1988 to build a home. Testimony indicated there are no adjoining vacant properties from which the Petitioner can obtain the additional land necessary to meet the required width. Mr. Stoecker testified that the proposed dwelling will strictly comply with all front, side and rear yard setback requirements of the zoning regulations. He further testified that in his opinion the granting of the variance would not adversely affect the health, safety or general welfare of the community.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of

the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must

take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of May, 1989 that the Petition for Zoning Variance to permit a buildable lot width of 50 feet in lieu of the required minimum of 55 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the

Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) All building setback lines from the side and rear shall be in strict compliance with the zoning regulations. Petitioner nor any subsequent property owner is prohibited from requesting any future variances for the subject property; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated March 14, 1989, attached hereto and made a part hereof.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

May 24, 1989

Mr. David W. Stoecker  
7250 Gassinger Road  
Baltimore, Maryland 21220

RE: PETITION FOR ZONING VARIANCE  
SE/S Patuxent Road, 475' +/- W of Oliver Beach Road  
(13111 Patuxent Road)  
15th Election District - 5th Councilmanic District  
David W. Stoecker - Petitioner  
Case No. 89-429-A

Dear Mr. Stoecker:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-1391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs  
People's Counsel

Chesapeake Bay Critical Areas Commission  
Towson State Office Building, D-4  
Towson, Maryland 21204

DEPRM

#### BALTIMORE COUNTY, MARYLAND

##### INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
Zoning Commissioner  
FROM: Mr. Robert W. Sheesley  
SUBJECT: Petition for Zoning Variance - Item #255  
Stoecker Property - Lot #177 Patuxent Road

DATE: March 14, 1989

Case: 89-429-A  
RECEIVED  
MAR 16 1989

ZONING OFFICE

The subject property is located along Patuxent Road, Lot #177 of the Oliver Beach Subdivision. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

The applicant has requested a Zoning Variance from Section 1822.3.C.1 "to allow a buildable lot with a width of 50 feet in lieu of the required minimum 55 feet".

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

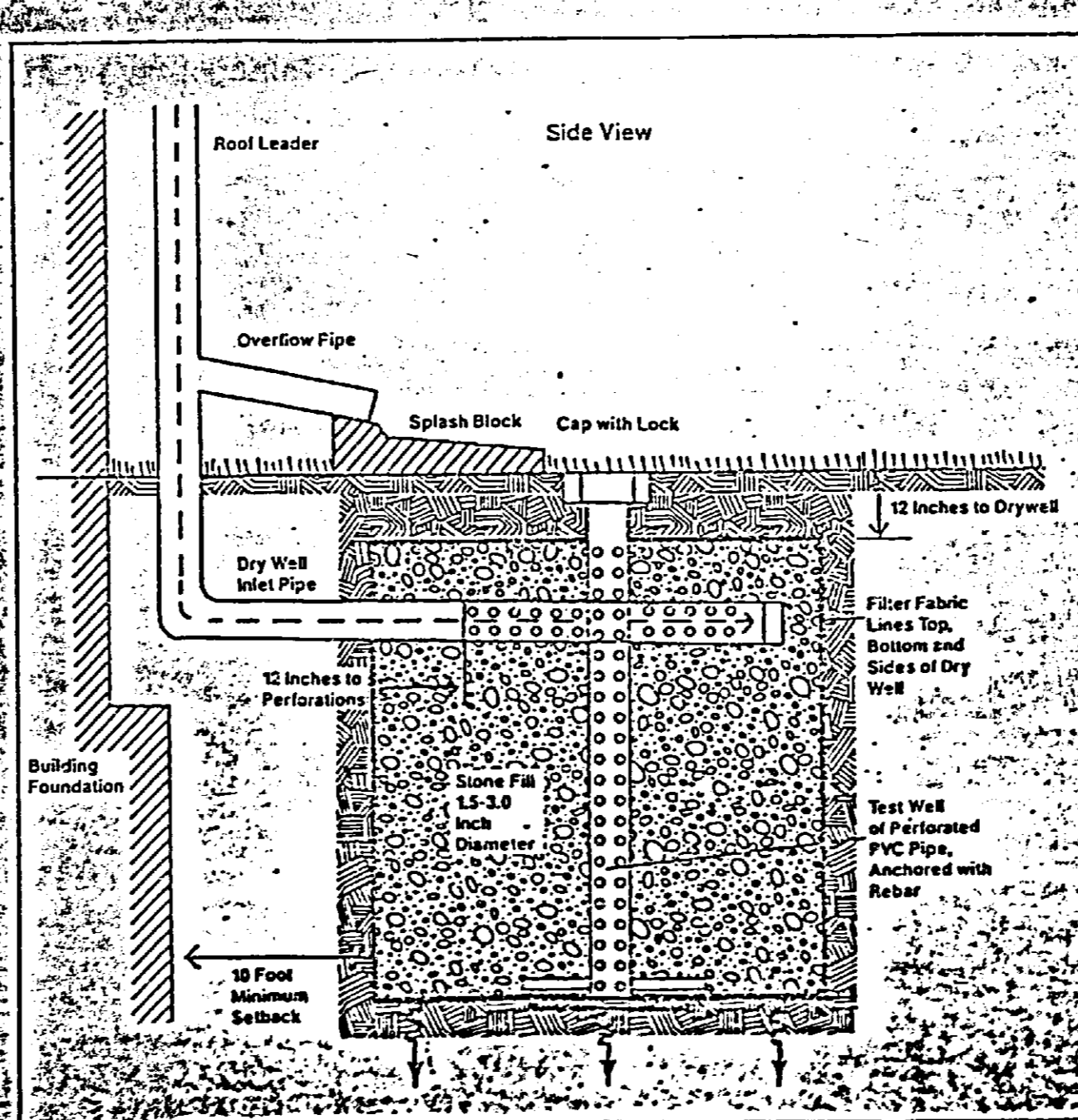
The proposed development will comply with Critical Area Law provided that the zoning petition is conditioned with the following requirements:

1. One major deciduous tree or two conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 1,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.

#### DESIGN 4:

Dry Well Designs. (Figure 5.8). Dry wells are a basic trench variation which are designed exclusively to accept rooftop runoff from residential or commercial buildings (Figure 5.8). Additional guidance on dry well design is available from Md WRA (1984). Basically, the leader from the roof is extended into an underground trench, which is situated a minimum of ten feet away from the building foundation. Rooftop gutter screens are needed to trap any particles, leaves and other debris, and must be regularly cleared.

Figure 5.8: Dry Well Design (adapted from Md WRA, 1985)



#### PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1822.3.C.1 "to allow a buildable lot with a width of 50 feet in lieu of the required minimum 55 feet".

Fifty five foot zoning regulation makes use of property difficult. Zoning change to fifty five foot made after property in area were subdivided at fifty foot.

Other building codes and zoning regulation can be maintained

with zoning grant. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_

Legal Owner(s):  
David M. Stoecker  
(Type or Print Name)  
Signature: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
7250 Gassinger Rd., 335-8132  
Address  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
David W. Stoecker  
Name  
7250 Gassinger Rd., 335-8132  
Address  
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 3rd day of May, 1989, at 2 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

(over)

# ZONING DESCRIPTION

From Eastern Ave. Ext. turn right to Oliver Beach Road continue for two tenths of mile turn left to Patuxent Road. From center line of Oliver Beach Road at the distance of 475 feet north. Being Lot 177, Liber 5742 Folio 164 Oliver Beach. Also known as 13111 Patuxent Road in the 15th election district.

## CERTIFICATE OF PUBLICATION

TOWSON, MD., April 6, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on April 6, 1989.

THE JEFFERSONIAN,

S. Zehe Orman  
Publisher

PO 1822  
reg 127122  
CO 89-429-1  
price 37.43

**NOTICE OF HEARING**  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Zoning Variance, Case No. 89-429-A, at 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Wednesday, May 3, 1989 at 2:00 P.M.  
Petitioner: David W. Stoecker  
13111 Patuxent Road  
15th Election District - 5th Councilmanic District  
Hearing Scheduled: Wednesday, May 3, 1989 at 2:00 P.M.  
Variance to allow a buildable lot with a width of 50 feet in lieu of the required minimum 100 feet.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, consider any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.  
J. Robert Haines  
Zoning Commissioner of Baltimore County

## The Times

Middle River, Md., April 6, 1989

This is to Certify, That the annexed

Notice  
Reg M 27/23

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive

weeks before the 6th day of

April, 1989

J. Robert Haines  
Publisher.

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th  
Posted for: Variance  
Petitioner: David W. Stoecker  
Location of property: 13111 Patuxent Rd., 475' c/l Oliver Beach Rd.  
Location of Sign: Oliver Beach Rd., approx. 15' E. side of road, on property of J. Stoecker  
Remarks: None  
Posted by: M. Stoecker  
Date of return: 4/21/89  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner  
Mr. David W. Stoecker  
7250 Gessinger Road  
Baltimore, Maryland 21220

Date: 4/19/89



Re: Petition for Zoning Variance  
Case Number: 89-429-A  
SES Patuxent Road, 475' c/l Oliver Beach Road  
13111 Patuxent Road  
15th Election District - 5th Councilmanic District  
Petitioner(s): David W. Stoecker  
HEARING SCHEDULED: WEDNESDAY, MAY 3, 1989 at 2:00 p.m.

Dear Mr. Stoecker:

Please be advised that \$76.06 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, 111 W. Chesapeake Avenue, Towson, Maryland 21204, minutes before

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 057887

DATE: 5-3-89 ACCOUNT: 201-15-001

AMOUNT: \$ 76.06

RECEIVED: D.W. - 4/21/89

FROM: [Signature]

FOR: [Signature]

B 8 124 \*\*\*\*\*760618 .03.F

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATION: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

DATE: 4/21/89

TIME: 1:00 PM

BY: [Signature]

FOR: [Signature]

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reineke  
Chief

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: David W. Stoecker

Location: SES Patuxent Road, 475' (+ or -) to centerline  
of Oliver Beach Road (#13111 Patuxent Road)  
Item No.: 255 Zoning Agenda: 02/14/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_  
EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *City of Baltimore*  
Planning Group  
Special Inspection Division

NOTED &  
APPROVED:

*Captain Thomas J. Brundage*  
Fire Prevention Bureau

/j1

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

May 24, 1989

Mr. David W. Stoecker  
7250 Gassinger Road  
Baltimore, Maryland 21220

RE: PETITION FOR ZONING VARIANCE  
SE/S Patuxent Road, 4 3' +/- W of Oliver Beach Road  
(13111 Patuxent Road)  
15th Election District - 5th Councilmanic District  
David W. Stoecker - Petitioner  
Case No. 89-429-A

Dear Mr. Stoecker:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

*Ann M. Nastarowicz*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: People's Counsel

Chesapeake Bay Critical Areas Commission  
Tawes State Office Building, D-4  
Annapolis, Maryland 21404

DEPRM

MICROFILMED

Memo to Mr. J. Robert Haines  
March 14, 1989  
Page 2

2. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
3. Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

*Robert W. Sheesley*  
Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

RWS:DCF:tjg  
Attachment

cc: The Honorable Ronald B. Hickernell  
The Honorable Norman R. Lauenstein  
The Honorable Dale T. Volz

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: May 3, 1989

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-429-A  
Item No. 255

Re: David W. Stoecker

The applicant is requesting consideration to establish lot sizes of 50 feet in width rather than 55 feet and variances to respective side yards where required. In reference to these requests, staff provides the following information:

- In instances such as these, staff's primary concerns are:

1. What is the impact on adjoining property?, and;
2. Are adequate front, side, and rear yard setbacks being provided on the site? and;
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to building unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if any of the requests are granted, the following conditions be attached.

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusions of Law," provided by the applicant.